IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 17649 of 2007(A)

PETITIONER:

RAJESH C.R., S/O.RAMACHANDRAN, AGED 26 YEARS, CHERUSSERITHADATHIL HOUSE, VADATTUPARA P.O., KOTHAMANGALAM.

BY ADV. SRI.ALEXANDER JOSEPH

RESPONDENTS:

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1. STATE OF KERALA, REP.BY SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, ERNAKULAM.

3. THE VADATTUPARA VANITHA SERVICE CO-OPERATIVE SOCIETY LTD., NO.I-356, REP.BY ITS SECRETARY, VADATTUPARA P.O., KOTHAMANGALAM.

R1 & R2 BY GOVERNMENT PLEADER (SHRI P. N. SANTHOSH)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 17649 OF 2007 A

Dated this the 8th June, 2007

JUDGMENT

Petitioner challenges Ext.P5. He seeks a direction to consider and pass orders on Exts.P6 and P7 and further seeks a mandamus directing the respondents not to make direct recruitment to the post of Junior Clerk in the third respondent Society pursuant to the written test held through private agency. According to petitioner, the third respondent is a Primary Credit Society as defined in Section 2(ob) of the Co-operative Societies Act. Under Section 80(B) of the Act, direct recruitment to the post of Junior Clerk and above is to be made by the Co-operative Service Examination Board. Instead, the third respondent is proceeding to make appointment on the basis of written test conducted through a private agency to the post of Junior Clerk after giving question paper in advance to one candidate and allowing him to copy write in the examination, is the case of the petitioner. Petitioner had approached this Court

earlier and by Ext.P3 Judgment, this Court directed the second respondent to consider the matter and keep the proceedings in abeyance till then. Ext.P5 is the order passed by the second respondent taking the view that the third respondent will not come within the purview of Section 80(B) of the Act. Petitioner has preferred Exts.P6 Appeal and Ext.P7 application for stay. In view of the fact that the petitioner has already approached the alternate Forum, I am not inclined to entertain the challenge against Ext.P5. But, the petitioner has a complaint that no orders have been passed on Ext.P7 application for stay. Counsel for petitioner points out that interim order was there till the passing of the order by the second respondent. Having heard the learned Government Pleader also, the Writ Petition is disposed of as follows:

There will be a direction to the first respondent to pass appropriate orders on Ext.P7 application for stay within a period of one week from the date of production of a copy of this Judgment. There will be a further direction to the first

respondent to take a decision on Ext.P6 Appeal also in accordance with law, after hearing the parties, within a period of six weeks from the date of production of a copy of this Judgment.

K. M. JOSEPH, JUDGE

kbk.